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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )

Creation of a Low Power Radio Service )

To: The Commission )

MM Docket No. 99-25

**JOINT REPLY COMMENTS OF PUBLIC RADIO STATION LICENSEES**

Board of Regents for Benefit of the University of Arizona, Boise State University, Central Michigan University, Kent State University, Nebraska Educational Telecommunications Commission, Nevada Public Radio Corporation, Ohio University, Southeast Missouri State University, University of Oklahoma, University of Wyoming and WAMC, Inc., (collectively, Public Radio Licensees), by their attorneys, submit these Joint Reply Comments in the above-referenced proceeding on LPFM.

The Public Radio Licensees are licensees of individual public radio stations or state or regional public radio networks. The Public Radio Licensees are vitally concerned with the impact of LPFM on public radio listenership and with the ramifications that LPFM holds for the continued existence and future development of public radio. As the names listed above reflect, many of the Public Radio Licensees are licensed to universities; others are licensed to nonprofit educational corporations or statewide public broadcasting entities. Some serve major metropolitan areas; others serve rural America, including sparsely populated areas that receive their only public radio service from these commenters. The unifying factor among the Public Radio Licensees is a deep, abiding commitment to provide the highest quality public radio service to their listeners.

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The Public Radio Licensees voice their strong and unequivocal support for the initial and reply Comments in this proceeding filed by the Public Radio Regional Organizations (the “PRROs”), the Station Resource Group (“SRG”), the Corporation for Public Broadcasting (“CPB”), and National Public Radio (“NPR”). The Public Radio Licensees file these reply comments separately only to demonstrate the paramount importance of this issue to individual stations in the public radio community.

The Public Radio Licensees believe that the initial Comments of the public radio industry groups have demonstrated – convincingly – that LPFM will adversely affect public radio, in that it will result in (i) the introduction of an intolerable level of new interference throughout the FM band, with public radio bearing the brunt of the effects of new interference because of its typical program modulation; (ii) jeopardization of the substantial federal, state and private investment in public radio; (iii) an unknown (and unknowable) impact on public radio conversion to digital audio broadcasting; (iv) loss of existing public radio FM translator and satellite/repeater service; (v) loss of existing public radio service outside protected contours; and (vi) potential loss of subcarrier services, particularly radio reading services for the print disabled.

The Public Radio Licensees urge the Commission to lend its ears to this proceeding and review with care the “listening tests” on the CD ROMs submitted with NPR’s Comments – those listening tests document the real world intolerable interference that LPFM will cause if authorized as proposed in this proceeding. Simply put, if LPFM is authorized, public radio listeners will suffer from degradation or loss of service. The public interest will not be served by this loss.

In contrast, the proponents of LPFM have not made a record demonstrating that LPFM would serve the public interest. LPFM proponents have not put forward thorough or convincing

evidence that LPFM can be authorized without loss or degradation of existing service (public radio service in particular) to the listening public. As shown above, the “listening tests” of NPR indicated the contrary. If there is any doubt about whether LPFM will cause loss of existing service, LPFM should not be implemented. Moreover, LPFM proponents have not articulated how LPFM will live up to its promised public policy goals or how LPFM can survive as a financially viable service, given its inherent technical limitations. Finally, LPFM proponents have not shown (and cannot, given the nascent stage of the technology) whether LPFM will impede or derail the future conversion of the FM radio spectrum to digital. The Public Radio Licensees implore the Commission not to jeopardize their digital future.

Recently, the Commission released a Notice of Proposed Rulemaking (“NPRM”) on digital audio broadcasting (“DAB”) that seeks specific comment on the compatibility of IBOC systems with LPFM. The DAB NPRM further demonstrates that the DAB and LPFM proceedings are inextricably intertwined because the real world impact of LPFM on DAB (or vice versa) cannot be known until critical DAB decisions are reached and implemented for broadcasters. As noted above, each of the NCE Commenters had urged the Commission not to risk the digital future of terrestrial broadcasters in initial Comments in the LPFM proceeding. Based on our reading of the DAB NPRM, that risk still remains. There are still too many “unknowns” for the Commission to move forward with LPFM based on the nascent record on DAB and IBOC. Moreover, the DAB NPRM further implicates the issue of receiver technology, frequency selectivity, and quality listener reception that pose key issues in this LPFM proceeding and that will impact analog and digital radio signals in the years before, during and after digital radio conversion. Simply put, the Commission should not move forward with LPFM while the digital future for terrestrial broadcasting is still being created.

The Public Radio Licensees urge the Commission not to sacrifice public radio stations and public radio listeners for the illusory benefits of LPFM. Instead, the Commission should look for alternate ways (outside the FM band) to accommodate the proponents of LPFM, if it believes any such accommodation is appropriate. The Public Radio Licensees ask the Commission to pay heed to the Comments of the public radio industry groups (PRROs, SRG, NPR, and CPB) that express concern about LPFM and its impact on public radio listenership and public radio stations and to treat those views as our views in this proceeding.

In conclusion, based on the record in this proceeding, the Public Radio Licensees believe that the creation of LPFM in the FM radio band is contrary to the public interest and detrimental to the continued existence and future growth of public radio service in this country.

Respectfully Submitted,

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